

Minutes of the Joint Legislative Oversight Committee
February 13, 2014
Room EW42, Capitol
Boise, Idaho

Cochair Representative Shirley Ringo called the meeting to order at 4:37 p.m. Attending the meeting were Senators Dean Mortimer (cochair), Cliff Bayer, and Elliot Werk and Representatives Maxine Bell, Gayle Batt, and Elaine Smith. Senator Les Bock arrived shortly after the meeting started. Also present were Rakesh Mohan, director, Margaret Campbell, administrative coordinator, and other OPE staff. Cochair Ringo welcomed the audience, which included the following members:

Representative Phylis King
Judge John Varin and Patti Tobias, Administrative Director, Idaho Supreme Court
Brandon Woolf, Controller, and Dan Goicoechea, Chief Deputy Controller, Office of the State
Controller
Sharon Harrigfeld, Director, Department of Juvenile Corrections
Brad Foltman, former administrator, Division of Financial Management

APPROVAL OF MINUTES FROM DECEMBER 10, 2013

Representative Bell moved to approve the minutes from December 10, 2013. Senator Werk seconded the motion, and it passed unanimously by voice vote.

REPORT RELEASE: *CONFINEMENT OF JUVENILE OFFENDERS*

Senator Werk moved to receive the report *Confinement of Juvenile Offenders*. Senator Bayer seconded the motion, and it passed unanimously by voice vote.

Mr. Mohan said JLOC had asked OPE to look into the juvenile justice system. Two of the three requestors of the study, Rep. Bell and Rep. Ringo, were on this committee. They had expressed concerns about a report by the Annie E. Casey Foundation that said Idaho's confinement rate had increased dramatically over the past 20 years. This report addresses that finding, which will be good news. He thanked Sharon Harrigfeld from the Department of Juvenile Corrections and Patti Tobias from the Courts, indicating they were a big help with this project. He also thanked officials at the county level.

Maureen Brewer, principal evaluator, and Tony Grange, senior evaluator, summarized the report. The evaluators said the average daily count of juvenile offenders committed to state custody had decreased from a high of 490 offenders in 2000 to 337 offenders in 2012. The data source of the Annie E. Casey Foundation's report, the Census of Juveniles in Residential Placement, contained incomplete data for Idaho, which inflated the numbers and showed a dramatic increase. In other findings, the evaluators said that diversion programs designed to keep juveniles out of the formal juvenile justice system vary considerably across counties in their design and eligibility, which called into question whether enough of the appropriate diversions take place. In addition, many committed juvenile offenders had also received child protection and mental health services or

had substance use issues. Therefore, one of the policy considerations focused on the importance of prevention and early intervention programs and services.

Senator Werk complimented the team on the report, the report's new format, and the addition of one page of report highlights. He asked whether juvenile detention lowered the incarcerated rates of adults in the correctional system. Ms. Brewer said the team did not look at this comparison. However, she said that if the state can meet the three criteria in the Balanced Approach (offender accountability, competency development, and community protection) without confining juveniles, the least restrictive environment was always the most optimal.

Senator Mortimer asked what the average length of confinement was for neighboring states. Ms. Brewer said the team did not look the average stay in other states; however, Idaho's average length of stay was 18 months. Senator Mortimer asked if this information was something that the state should know, given the study OPE had done. Was the information something that would help the state be better able to determine whether its programs needed lengthening or shortening? Ms. Brewer said getting that information would be interesting; however, she would be cautious interpreting it. A study would have to delve deep into other states' juvenile corrections acts, policies, and approaches to treatment and programming to make sure it compared apples to apples. She said the team did not analyze what would be an appropriate length of custody.

Representative Bell said she too liked the new report format. She said she signed as a requestor for the study with concerns about costs and the results of the Casey findings. This report confirms that the Casey findings were based on false information, which happens often. The OPE report informed JLOC of what everyone probably already knew: (1) Director Harrigfeld runs a fine agency—the director could not do anymore with the resources she had available, and (2) the state needs more structure in the counties. Representative Bell acknowledged Judge Varin, who put the juvenile justice system in place with vim and passion in 1995.

Referencing the structure in counties, Senator Werk asked about community-based programming not being available or not being appropriate. Do we have counties in the state that do not have the ability to use community-based programming? He said it was almost a punt to go in the other direction because the state did not have resources dedicated adequately. Ms. Brewer directed the committee to appendix E of the report, which lists services of counties. She said it was fair to say that some counties have more robust resources than others. She cited Ms. Tobias' formal response to the report, where Ms. Tobias had said that some juveniles in areas with fewer resources may look at a commitment option earlier than juveniles in counties with more options.

Senator Werk asked if mechanisms were in place for counties to cooperate or share with each other. Ms. Brewer said the director may be able to speak to some examples. In her fieldwork, she said she saw cooperation. The strength of partnerships in the juvenile justice system left her with a sense that the system works as a team and shares resources.

Noting that some juveniles go to a contract provider, Cochair Ringo asked if these providers were state facilities or a local providers? Ms. Brewer said private providers were more local. She said the Initial Custody Level Assessment had five levels, and the levels of care and custody were designed to provide services at the lowest appropriate level of care possible. A juvenile

coming in at a level 5 would be assigned to an adult county jail, and one coming in at a level 4 assigned to the state's three correctional centers. Moving down the levels, a juvenile might be assigned to a contract provider who is closer to home. The levels were explained on page 30 of the report.

Cochair Ringo said the report alluded to cooperation between schools and communities. With the current shortage of school counselors to identify problems early, what was the effect of commitment rates on juveniles? Ms. Brewer said she did not tie rates specifically with the lack of school counselors. Referring to page 46 of the report, she said that dedicated dollars for Safe and Drug Free Schools efforts were now discretionary. Previously, efforts focused on truancy, suspension, and expulsion because those factors were major indicators of delinquent behavior. In addition, the Teen Early Intervention Mental Health and Substance Abuse Specialist Program, enacted by the Legislature in 2007, was never appropriated funding. Finally, in 2012 OPE released a report on workload issues affecting public school teachers. Overwhelmingly, teachers talked about the loss of support staff, including school counselors, and the effect on workload.

Cochair Ringo asked if anyone from the Governor's office wanted to respond to the report. Seeing no volunteers, she called on Patti Tobias, Administrative Director of the Courts, to respond. Ms. Tobias said she was happy to answer questions but had no further comments. Cochair Ringo called on Sharon Harrigfeld to address the committee.

Ms. Harrigfeld thanked Maureen and Tony for their work on the report. She said they were incredible to work with and she had heard similar comments from the counties. She thought the report was a great blueprint to strengthen the system.

Cochair Ringo asked for action on the report. She noted Representative Bell's comment that the department was doing a fine job with its resources. Senator Werk said it appeared there were a number of things to work on, legislatively and at the department.

Senator Werk moved to conduct a follow-up study in one year. Senator Mortimer seconded the motion, and it passed unanimously by voice vote.

COMMITTEE BUSINESS

Cochair Ringo said the cochairs would like to hold a meeting in two weeks to discuss operational issues such as improving the committee's performance on reviewing the results of the report and deciding on ways to apply those results. She said the last thing JLOC wanted was to put quality reports in a file cabinet without follow through. She also said this meeting would help the committee prepare themselves for the next round of requests.

Senator Mortimer said one of the suggestions was for the cochairs to meet with leadership to discuss how to improve the reports and the committee. The cochairs would like to meet in two weeks to share leadership suggestions and get JLOC's ideas for making reports better, the committee more efficient, and advance the legislative process. Also at that time, JLOC can discuss requests for evaluation. He said an e-mail had gone out to all committee chairmen for requests, and the Senate Education Committee presented that information in its meeting today.

Mr. Mohan said it was a good idea to meet in two weeks to discuss how to move forward and give the committee time to discuss how to approach topic selection.

Senator Mortimer suggested meeting on Thursday, February 27, at 4:30. Hearing no objection to that date, Cochair Ringo asked for a motion to adjourn.

Senator Mortimer moved to adjourn, and Senator Werk seconded. The meeting adjourned at 5:30 p.m.